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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Color Country District Office

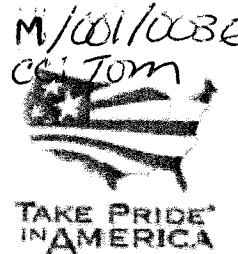
Cedar City Field Office

176 East DL Sargent Drive

Cedar City, UT 84721

Telephone (435) 586-2401

www.blm.gov/ut/st/en/fo/cedar_city.html



In Reply Refer To:

3602: UTU-73390-A3

UTC010

April 14, 2009

Mr. Niles Veal, Permit Manager
Twin Mountain Rock Company
P.O. Box 1009
Sheridan, WY 82801

RECEIVED

APR 20 2009

Dear Mr. Veal:

DIV. OF OIL, GAS & MINING

This letter responds to a telephone inquiry you made through Ed Ginouves of my staff on April 14, 2009. In that conversation, you requested clarification on any BLM obligation/expectation of Twin Mountain Rock (TMR) for conducting annual golden eagle surveys in the vicinity of the Milford Ballast Rock Quarry. The quarry is permitted as a large mine permit M/001/036 by the State of Utah, Division of Oil, Gas, and Mining and currently authorized through sales contract UTU-73390-A3 by the BLM Cedar City Field Office.


As you know, the initial large mine permit, authorizing quarrying operation at this site and dating to 1997, had a condition of approval requiring annual utilization surveys of a known golden eagle nest site located about 1/2 mile to the northwest of the permit area. This requirement sprang from a 1995 wildlife survey conducted of the initial project area, and which was made in support of the original environmental assessment prepared for the quarry operations. When the most recent permit amendment, amendment 3, was submitted by TMR in June 2006, language was included in that amendment (see Vol. 1, p. 24, Threatened and Endangered Species), that "Golden Eagle nesting activity within one-half mile of the disturbance will be monitored annually and the results reported to the B.L.M.". Amendment 3 of the permit was subsequently approved by DOGM in September, 2007.

Shortly after DOGM granted their conditional approval of amendment 3, this office completed a new environmental assessment (EA UT-040-06-028, October, 2007) to update the original environmental assessment and address impacts to the amendment 3 expansion areas. In support of the new assessment, a BLM wildlife biologist reviewed the status of the golden eagle nest and, given the documented lack of use of the nest area for the previous ten-year period, recommended that the annual monitoring requirement be dropped. The new assessment specifically notes

that the monitoring requirement would be dropped and it is the position of this office that the language in the permit document requiring annual surveys of the golden eagle nest site are unnecessary and their inclusion in the permit amendment was a result of the new environmental assessment not being available at the time of permit amendment approval by DOGM.

Should you have any further questions regarding this matter, feel free to contact Ed Ginouves of my staff, at 435-865-3040.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy M. Trujillo". The signature is fluid and cursive, with the first name "Randy" being more prominent.

Randy M. Trujillo
Acting Field Office Manager

cc:

Tom Munson, DOGM

Mr. Craig Pfingsten, General Manager – Western Quarries Division Group, Twin Mountain Rock Company, P.O. Box 578, 70001 US Hwy 75, Fort Calhoun, NE 68023

Mr. Ken Avery, Superintendent, Milford Quarry, 178 W 600 N, Milford, UT 84751